

ORDINANCE NO. _____

AN ORDINANCE TO REDESIGNATE AND REZONE "THE WILLAMETTE STATIONERS' SITE" BY AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM; AND AMENDING THE EUGENE ZONING MAP.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Metro Plan Diagram is hereby amended to change the land use designation from High Density Residential (HDR) with /MU Mixed Use and /ND Nodal Development Overlays to Commercial (COM) with /MU Mixed Use and /ND Nodal Development Overlays, for the property identified as Assessor's Map 17-03-31-11, Tax Lot 1300, as depicted on Exhibit A attached hereto and incorporated herein by this reference.

Section 2. The Eugene Zoning Map is hereby amended to change the zone from I-2 Light-Medium Industrial Zone with /TD Transit Oriented Development Overlay Zone to C-2 Community Commercial Zone with /TD Transit Oriented Development Overlay Zone, for the property identified Assessor's Map 17-03-31-11, Tax Lot 1300, as depicted on Exhibit A attached hereto and incorporated herein by this reference.

Section 3. The applicant's written application statement, dated March 31, 2014, attached to this Ordinance as Exhibit B, is approved as support and findings for this Ordinance. The written application statement references several application exhibits. Those exhibits are evidentiary support for the adopted findings but are not themselves incorporated as findings.

Passed by the City Council this

____ day of _____, 2014

Approved by the Mayor this

____ day of _____, 2014

City Recorder

Mayor

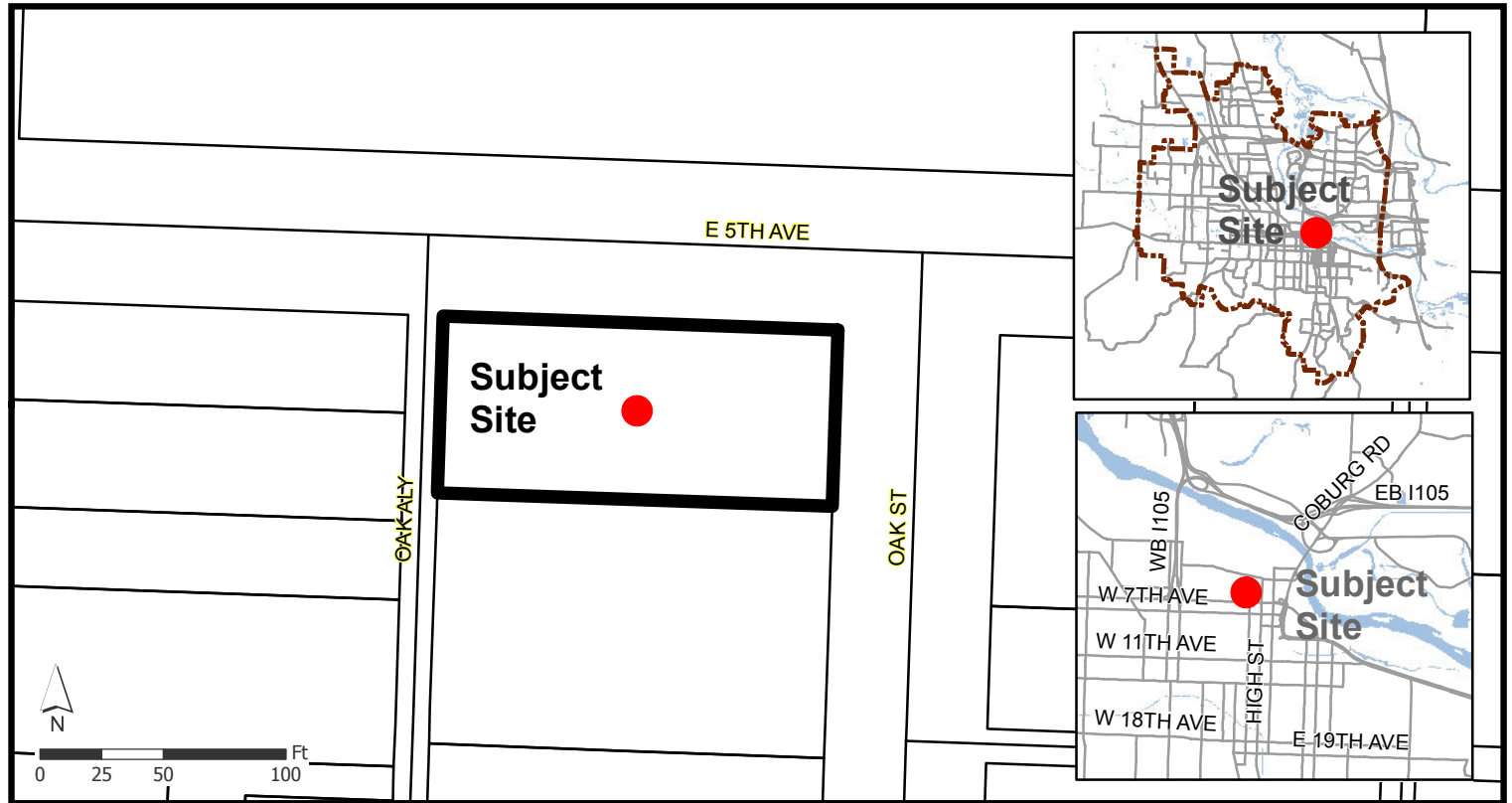
Proposed Plan Designation and Zoning Change

Exhibit A

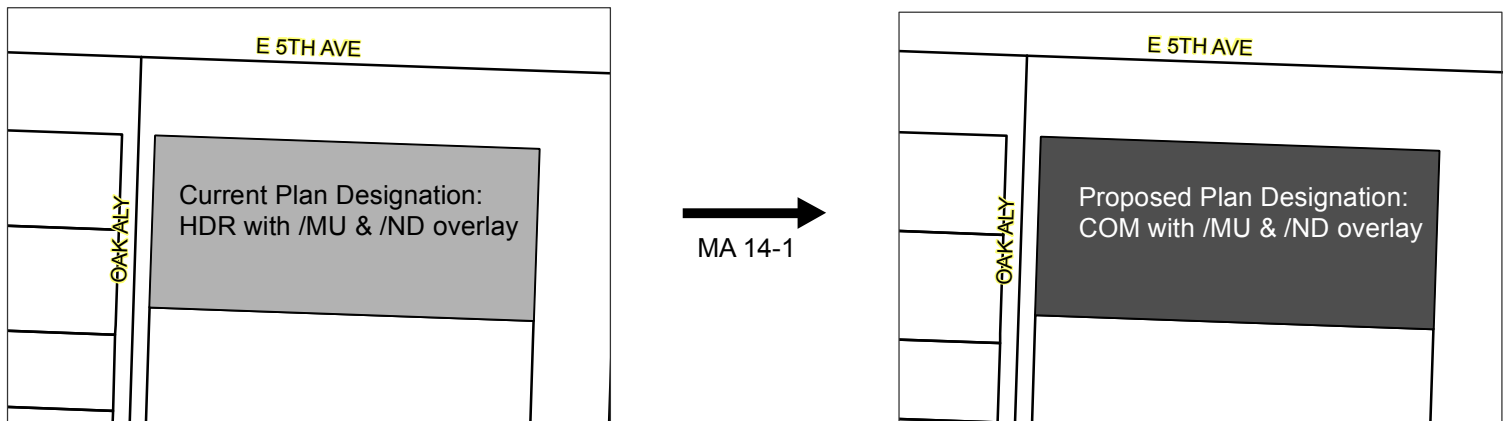


MA 14-1 and Z 14-3

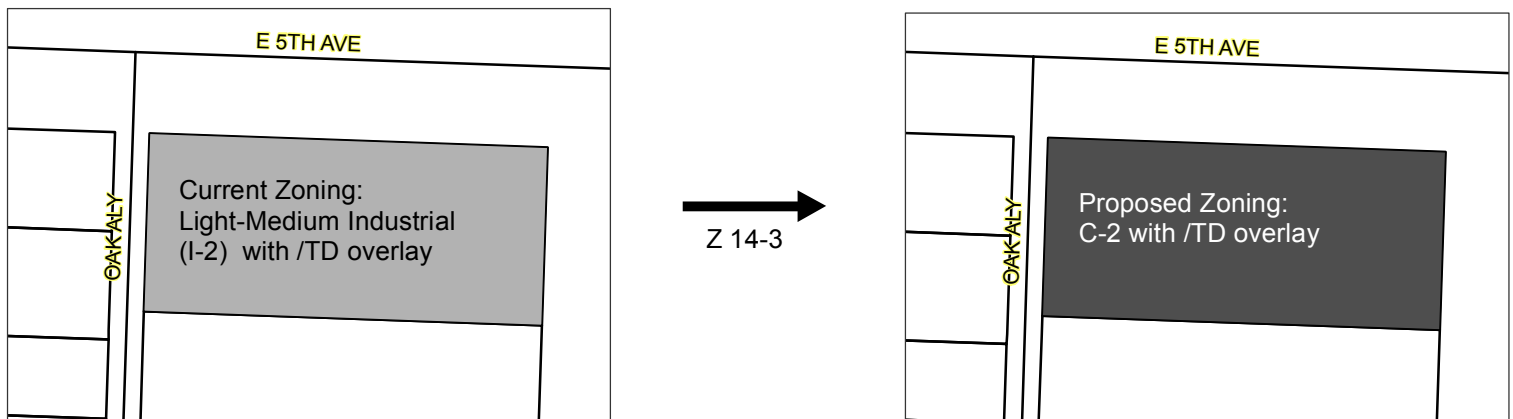
Subject Site: Lot 17-03-31-11- 1300, Willamette Stationers



MA 14-1 : Plan Designation changed from High Density Residential (HDR) with /MU & /ND overlay to Commercial (COM) with /MU & /ND overlay.



Z 14-3 : Zoning changed from Light-Medium Industrial (I-2) with /TD overlay to Community Commercial (C-2) with /TD overlay.



March 31, 2014

Written Statement - Willamette Stationers Metro Plan Diagram Amendment / Zone Change Application

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Subject Property: 510 Oak Street, Eugene, OR
Lane County Assessor's Map No. 17-03-31-11, Tax Lot 1300

1. Request

The above-referenced Applicant/Owner of the subject property seeks to amend the Metropolitan Area General Plan (Metro Plan) diagram and rezone the property. Specifically, we request redesignating the property on the Metro Plan diagram to Commercial, retaining the site's existing Plan diagram Mixed Use (/MU) and Nodal Development (/ND) plan overlays. The Applicant/Owner requests concurrent amendment of the Eugene zoning map, changing zoning classification for the property from Light Medium Industrial with Transit-Oriented Development zoning overlay (I-2/TD) to Community Commercial, retaining the existing zoning overlay (C-2/TD).

Approval of this Metro Plan diagram amendment and zone change would correct the existing plan/zone conflict, remove non-conforming status from the site's current commercial use, align the property's land use designation and zoning with its long-standing commercial use, and match the designation and zoning of neighboring properties with complementary commercial uses.

The Applicant is retiring and seeking to sell the subject property and building. But that is virtually impossible without first addressing the inconsistency between its commercial use and zoning. Removing the existing non-conforming status and having its zoning and land use designation conform to the decades-long commercial use is important to maintaining the integrity of the use, and is consistent with numerous City objectives and plan policies as outlined below.

2. Background

2. A. Site Description

The site is approximately 11,520 sf in size and is located at the southwest corner of 5th/Oak, with 72 feet of frontage along Oak St. and 160 feet of frontage along 5th Ave.

The site includes a 14,193 sf two-story structure built in 1941 as a granary. The Applicant has owned the site and building since 1966, when she opened Willamette Stationers, a retail office supply business. Exhibit 1 includes a copy of the property deed, legal description and survey.

Prior uses of the site are unknown, but Sanborn fire insurance maps included in the 1991 Eugene Downtown Core Area Historic Context Statement show structures on the site dating back at least to 1895. The existing structure is not listed on any city or state historic register of landmark sites or structures. The property has access to the full complement of urban services but the building has limited plumbing, thereby making it unsuitable for residential purposes without comprehensive redevelopment.

The property is located within the boundaries of the Eugene Downtown Plan area and inside the City's downtown parking-exempt area, but outside the boundaries of the Downtown Urban Renewal District.

As illustrated in photos of the site and surrounding area (Exhibit 2), land uses adjacent and proximate to the site are overwhelmingly commercial in nature, and the vicinity has had vibrant commercial and retail enterprises for generations. Exhibit 3 contains a vicinity map showing the subject site within the area. Exhibits 4 and 5 are the existing Metro Plan diagram and an excerpt of the Eugene zoning map, respectively.

2. B. Plan/Zone Context

1. Metro Plan designation

Land use designations on the Metro Plan diagram are depicted at a metropolitan scale (1"=7,000'). As noted in the Metro Plan text: "The *Metro Plan* Diagram is a generalized map which is intended to graphically reflect the broad goals, objectives and policies. As such, it cannot be used independently from or take precedence over the written portion of the *Metro Plan*." (Ordinance No. 20139, p. I-5) As noted in the Metro Plan: "...the *Metro Plan* Diagram is drawn at a metropolitan scale, necessitating supplementary planning on a local level." (Ibid, p. II-G-1)

The Oregon Court of Appeals noted the limitations in the Metro Plan diagram to ascertain land use designation for a specific property:

Exhibit B

"...the Metro Plan diagram is only a generalized depiction of land uses. The Metro Plan diagram provides few clear boundaries between land use designations. Although some designations appear to border named streets, most do not, and the diagram's comparatively small one inch to 8,000-foot scale does not include any depiction of individual lots. As a consequence, the land use designation for properties near the boundary between use designations on the diagram is unclear. As indicated by the Metro Plan, those ambiguities require reference to local government refinement documents to conclusively determine the applicable designation." (*Knutson Family LLC v. City of Eugene, 2004-10, 2004-106; A127379., affirmed 200 Or App 292 (2005)*)

The Metro Plan designation for the subject site is unclear based upon casual visual examination of the Metro Plan diagram, given the scale of the Metro Plan diagram and the small size of the single subject parcel. Therefore the exact boundary between the Commercial and High Density Residential (HDR) is ambiguous. The Plan diagram illustrates a High Density Residential land use designation along the railroad tracks, with a Commercial designation covering most of the remaining central downtown area extending north somewhere near 5th or 6th Avenue. City Staff indicated to the Applicant that they conclude the HDR designation extends somewhere south of 5th Avenue and includes the subject property, with the Commercial designation extending north of 6th Avenue but ending somewhere between 5th and 6th Avenues.

It is, however, clear that the Metro Plan's Mixed Use Area overlay designation applies to the subject area and to surrounding areas north of the Eugene downtown central business district. The Metro Plan's "Mixed Use Areas" overlay is intended for "areas where more than one use might be appropriate, usually as determined by refinement plans at a local level." (p. II-G-12) The subject property is located within the boundaries of the Eugene Downtown Plan, which was adopted as a refinement to the Metro Plan in 2004 (Ordinance No. 20316).

But the Downtown Plan does not contain a land use diagram and therefore cannot be used to determine on a parcel-specific basis the intended plan designation of the subject site. The Mixed Use designation is indicative that the site was intended to have an underlying commercial designation to support true mixed use development, and is consistent with this request for commercial zoning with retained transit-oriented development and nodal development zoning overlays. Eugene's zoning code for residential uses does not generally permit a mix of land uses, whereas commercial zoning could implement the Mixed Use designation by allowing residential uses in a mixed use format.

Although the Applicant and her representatives are unable to conclude that the HDR designation does indeed extend south of 5th Avenue on the Metro Plan diagram, and without conceding that the subject site does indeed have a base HDR designation, the Applicant nonetheless seeks clarity through the Metro Plan amendment process to definitively establish a Commercial land use designation on the Metro Plan diagram

Exhibit B

for the site. The Applicant also seeks to ensure that the site's Metro Plan designation and zoning are consistent. Regardless of the existing Plan designation for the site, it clearly is inconsistent with the site's current Industrial zoning classification.

Therefore, this application requests a Type II amendment to the Metro Plan - changing the diagram only and not the text of the Metro Plan. As defined in EC 9.7700(2), Type II amendments change the Metro Plan diagram, and do not meet the standards for consideration as a Type I amendment (i.e., the proposal does not change the Urban Growth Boundary, does not require a goal exception, and is not a non-site-specific amendment to the Metro Plan text). EC 9.7715(1)(b) and (2) allows the Applicant to initiate this Metro Plan diagram amendment as owner of the subject property, which is located within the Eugene city limits.

Below the Applicant cites relevant policies from the Metro Plan, Downtown Plan, and Commercial Lands Study as the policy basis for granting the requested amendment establishing a Commercial land use designation, and meeting the approval criteria set forth in EC 9.7730(3).

2. Zoning classification

As noted above the site is currently zoned for Industrial use (I-2, Light Medium Industrial), which is likely a relic of historic uses of the building and site, and similar uses and zoning applied historically to properties near the Union Pacific railroad tracks north of the site. However, virtually the entire area surrounding the subject property is - and has long been - in commercial use, with adjacent properties to the north, west, and south all already zoned commercially. Exhibit 4 includes an excerpt of the City zoning map.

Because the site's Industrial zoning has long been inconsistent with its generations-long Commercial land use, the Applicant seeks to change the site's zoning to align with its use and to be consistent with the Mixed Use capabilities envisioned in Metro Plan policies and land use designation. The findings below in Section 3 of this narrative demonstrate the proposal's consistency with applicable zone change criteria in EC 9.8865.

3. Precedent

In 2006 the City Council approved a similar proposal applying a Commercial land use designation and zoning to the former State of Oregon motor pool site at 445 Pearl Street (MA 06-2, Z 06-9). Like the subject property, the former motor pool property had I-2/TD zoning, and a more clearly defined Metro Plan designation of HDR/MU/ND before being redesignated to C/ND and rezoned to C-2/TD/ND.

As with the motor pool property, the subject site was not included in the City's residential buildable lands inventory, so redesignation for Commercial uses did not hinder the City's ability to meet its residential land obligations. Unlike the motor

pool site, the subject property's existing Industrial zoning confers non-conforming status to the existing and long-standing commercial use of the building and site, representing a distinct risk and challenge to future use or redevelopment on the property.

3. Applicable Approval Criteria

3. A. Metro Plan Amendment

1. EC 9.7730(3)(a): *The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission.*

Goal 1 - Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Findings:

The City of Eugene has a process for engaging citizens in all phases of the land use process that is established in the City land use code and acknowledged by LCDC as consistent with Goal 1. EC 9.7007 requires the Applicant to coordinate with the applicable neighborhood association (in this case the Downtown Neighborhood Association, or "DNA"), post and mail notices two weeks in advance of a meeting to introduce the proposal, and host a meeting for owners and occupants of properties within 500 feet of the subject site as well as members of the DNA and City staff.

Exhibit 7 includes the mailing lists of owners and occupants of property within 500 feet of the site that were mailed notice of the meeting, copies of the meeting notice mailed and the notice posted on-site, copies of the meeting sign-in sheet and notes from the meeting, copies of the graphics (i.e., Metro Plan diagram and zoning map excerpt) presented at the meeting, and affidavits that mailings and posting occurred consistent with City code requirements in EC 9.7010 and 9.7700 et seq.

It should be noted further that the Applicant's representative received only two responses to the meeting notice mailing - both of which supported the proposal. Only three people attended the neighborhood meeting, and all three expressed support for the proposal.

The Applicant's representative subsequently attended a meeting of the DNA Steering Committee, and received unanimous support of the proposal from the members in attendance.

Under EC requirements, this proposal will be subject to duly noticed public hearings before the Eugene Planning Commission and City Council, with each hearing affording the opportunity to submit written and/or oral testimony. These procedures afford opportunities for interested citizens to be involved in the planning and approval processes, ensuring the requested Metro Plan amendment is consistent with Goal 1.

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Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of the land and to assure an adequate factual basis for such decisions and actions.*

Findings:

In the Eugene Code the City of Eugene establishes procedural requirements for amending the Metro Plan, the LCDC-acknowledged comprehensive plan for the city. This requested amendment to the Metro Plan diagram pertains to a parcel-specific property within the Eugene city limits and is initiated by the property owner, in compliance with EC 9.7705 and 9.7715(1) and (2).

The requested Metro Plan amendment is a Type II amendment as defined in EC 9.7700 because the request only changes the Metro Plan diagram, and does not otherwise meet the criteria for a Type I amendment.

Goal 2 requires coordination between affected governmental units, and therefore the City coordinates referral and review comments from those jurisdictions and governmental units. The Metro Plan and EC 9.7720 require that this amendment request be referred to the city of Springfield and Lane County for consideration of regional impact and/or to consider participating in the public hearing process. However, since the subject property is wholly within the Eugene city limits and there is no regional impact associated with this request to amend the Metro Plan land use designation for a single small parcel, this application will no doubt be processed through only the City of Eugene, under provisions in EC 9.7735.

Through the quasi-judicial hearing process, City staff review the submittal and present a report to the Eugene Planning Commission prior to a duly noticed public hearing. The Commission then makes a recommendation to the Eugene City Council, who will then hold a public hearing based on the evidentiary record created before the Commission. The Council's decision will be the final local authority of this request.

Because the amendment follows the procedural requirements established by Code and approved by LCDC as conforming to statutory requirements for Metro Plan amendments, the amendment is consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Land: *To preserve and maintain agricultural lands.*

Findings:

The subject property is within the Eugene city limits and Urban Growth Boundary, and the proposal does not involve or affect agricultural lands, designations and uses. Because Goal 3 excludes lands inside acknowledged UGBs from the definition of agricultural lands and the property is within the UGB, Goal 3 is not applicable and the proposed Metro Plan amendment does not affect the City's compliance with Statewide Planning Goal 3.

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Goal 4 - Forest Land: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Findings:

Statewide Planning Goal 4 is not applicable to the proposed Plan amendment because the subject property is within the Eugene city limits and Urban Growth Boundary. Because Goal 4 does not apply within UGBs and the proposal does not involve or affect forest lands, designations and uses, the amendment does not affect the City's compliance with Goal 4.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

Findings:

The 1991 Eugene Downtown Core Area Historic Context Statement identifies the subject site as being within the "Station Area/Fifth Avenue Grouping" and noted: "The unifying factor of this grouping is that all of the properties relate in some way to access to the railroad and act as connecting points with industry or commerce in the town." (pg. 17) This perhaps explains how the site and others near the railroad tracks came to have Industrial zoning despite the fact that virtually all of the properties in the north downtown area have long been in commercial, rather than industrial use.

The building on the subject site is referenced as a contributing resource in the appendix of the Context Statement. However, it did not have historic or architectural merit to warrant the property or structure having any local, state or federal historic landmark designation and therefore is not included in the City's acknowledged inventory of Goal 5 resources.

OAR 660-023-0250 does not require local governments to apply Goal 5 when considering post-acknowledgement plan amendments, such as the one proposed, unless the amendment affects a Goal 5 resource.

Because it does not affect a listed Goal 5 resource, the amendment is therefore consistent with Statewide Planning Goal 5.

Goal 6 - Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Findings:

The subject property has been located within the Eugene city limits for generations and is served by all public utilities and services (water, electricity,

Exhibit B

sanitary sewer, stormwater, transportation, etc.) needed to support urban development.

Any future development or redevelopment on the subject site will have to comply with applicable development review procedures and regulations that will protect air, water and land resources from waste and process discharges from development.

Because the amendment does not propose any changes that would affect air, land or water resources, and does not amend policies protecting such resources, the amendment is consistent with Statewide Planning Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards: *To protect life and property from natural disasters and hazards.*

Findings:

FEMA flood insurance maps show the site is located outside the established 500-year flood boundary, and is not otherwise located within an inventoried area of hazard or natural disaster (e.g., earthquake fault line). Established state and local building codes and development processes ensure that any future redevelopment on the subject site would not be subject to undue risk to life or property resulting from natural disasters or hazards. Therefore, approval of the requested Plan diagram amendment is consistent with Statewide Planning Goal 7.

Goal 8 - Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Findings:

The proposed Plan diagram amendment is consistent with Statewide Planning Goal 8 because it does not affect the City's ability to provide needed recreational facilities or programs to citizens of and visitors to the State, or diminish the City's ongoing compliance with Goal 8.

Goal 9 - Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Findings:

Eugene Commercial Lands Study

The City of Eugene's consistency with Statewide Planning Goal 9 has been established through adoption of the Eugene Commercial Lands Study (CLS). The following Council-adopted policy directives and implementation strategies within the

Exhibit B

CLS support the Applicant's proposed Commercial designation on the Metro Plan diagram:

Policy 2.0: Provide greater certainty regarding the development of commercial land by resolving major conflicts between the Metro Plan designations and local zoning of land planned or zoned for commercial use. (pg. III-3)

Implementation Strategy 2.1: Initiate Metro Plan amendments or zone changes to correct significant plan/zone conflicts. ... (pg. III-3)

Policy 6.0: Promote redevelopment of existing commercial areas and compact, dense growth by encouraging businesses to revitalize and reuse existing commercial sites. (pg. III-7)

The CLS acknowledged the problem of having inconsistencies between Metro Plan diagram designations and zoning. In fact, the CLS noted that such inconsistencies "creates uncertainty for developers and community members." (pg. III-3)

However, the focus of the CLS was primarily upon vacant sites. Given the fact that the subject site has not been vacant and in continuous commercial use for decades, the CLS did not include the site among those considered for City-initiated Metro Plan amendments and/or zone changes to address plan/zone conflicts, as recommended by CLS Implementation Strategy 2.1.

Implementation through the Envision Eugene process could result in City-initiated action to address the site's existing plan/zone conflict, but the uncertainty for timing of that process and the Applicant's desire to retire resulted in her direct application to address the plan/zone conflict and eliminate the uncertainty surrounding disposition of her property.

Addressing the inherent conflict between the site's zoning and plan designation and approving the applicant's request directly supports both of the above policies and ensures the eligibility of continued commercial use on the subject site.

The CLS also includes area-specific policies, and text for the Central/University Subarea provides insight into the heritage of the site's industrial zoning: "Industrial development was historically an important part of Eugene's downtown growth and development." (pg. III-17) The sub-area diagram also identified areas zoned Industrial, including "a band along both sides of the railroad between Lincoln & Oak." The following adopted policy and recommended implementation action are directly related to the proposed Plan amendment and concurrent zone change:

Policy 17.0: Recognize that additional commercial development will occur primarily through redevelopment of existing commercial sites. (pg. III-15)

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Implementation Strategy 17.1: Within the area from the east side of Agripac to Washington Street, change the plan designation and zoning of land currently zoned for industrial use to encourage a mixture of residential, commercial, and compatible industrial use.” (pg. III-15)

Although only the CLS policies were formally adopted by the City Council, the above implementation strategy is indicative of the Council's intent, which is consistent with the Applicant's proposal to match plan/zoning designations and long-time commercial use as a means to ensure continued commercial use of this downtown property.

Industrial Lands Special Study

City staff confirmed that although the subject site has Industrial zoning, the Metropolitan Industrial Land Special Study only included vacant land either zoned or designated Industrial as of 1989. The study's map for Subregion #4 (Central University) depicted only two sites in the downtown area - both parking lots located on the north side of the railroad track.

Therefore, the inventory of Industrial lands required to meet the community's needs did not include the subject site, and approving the requested redesignation and rezoning will not affect the City's ability to comply with Goal 9 in terms of needed Industrial lands.

Eugene Comprehensive Land Assessment

As part of the City of Eugene's process to establish its own Urban Growth Boundary separate from Springfield (per HB 3337), the City analyzed the sufficiency of residential, commercial and industrial land within the existing UGB. The subject site was not included in the Eugene Comprehensive Land Assessment (ECLA) among vacant sites evaluated for industrial use (consistent with its zoning), residential use (consistent with its designation), or commercial use (consistent with its existing and long-standing commercial use) because the site was not vacant and too small to be considered as a significant redevelopment site.

ECLA did identify a deficit of 118 acres and 361 sites of land currently designated Commercial that area less than 5 acres in size, and a surplus of both acres and sites of Industrially designated land less than 5 acres in size (Table 3, pg. 13). This indicates that redesignating the subject property would not hinder the City's ability to provide needed Industrial land, but would be consistent with meeting Eugene's projected need for small Commercially designated sites.

The ECLA showed a deficit of 94 acres of High Density Residential designated land, but a larger deficit of 388 acres of Commercial designated land (Table S-1, pg. 1). City staff confirmed that the site was not included in the Eugene-Springfield Metropolitan Area Residential Lands and Housing study inventory of residential lands, nor in the ECLA inventory of commercial and residential lands.

Therefore, approval of the requested redesignation would support the City's efforts to meet needed commercial lands, but would not debit from its inventory of needed industrial or residential lands, or affect the City's consistency with Goal 9.

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Goal 10 - Housing: *To provide for the housing needs of the citizens of the state.*

Findings:

Although the subject site may currently be designated High Density Residential, the site was not included among those needed to fulfill the City's housing needs. Therefore, approval of the requested redesignation will not hinder the City's ability to comply with Statewide Planning Goal 10.

The City's established plan for complying with Goal 10 is the Eugene-Springfield Metropolitan Area Residential Lands and Housing Study. Although now dated, that study evaluated supply and demand for housing based upon residential land designations in the Metro Plan. However, since the subject site was already developed, not in residential use and not already zoned residential, it was not included among potential redevelopment sites considered in the study.

In the Study's 1999 Site Inventory Document, the subject site is within Subarea 2, Central Eugene. The study's methodology states that it included "all whole or partial undeveloped tax lots residentially zoned or designated ... medium and high density of an acre or more." (pg. 1) The map for Subarea 2 did not identify any sites within the Central Eugene subarea that were designated High Density Residential and more than 1-acre in size.

Thus, the subject site was not included in the City's inventory of needed residential lands to comply with Statewide Planning Goal 10, and redesignating the subject site to Commercial would not affect the City's compliance with Goal 10.

As noted above in Goal 9 findings, more recent analysis as part of the ECLA study also did not implicate the subject property, thereby obviating any demonstrated need to retain the site's High Density Residential land use designation.

Goal 11 - Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Findings:

The site has been located within the Eugene city limits for decades and is served with the full complement of public facilities and services needed for existing and future urban development. Therefore, the proposed Metro Plan diagram amendment is consistent with Statewide Planning Goal 11.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Findings:

Oregon Administrative Rules 660-012 implement Statewide Planning Goal 12. Specifically, the State's Transportation Planning Rule (TPR) in OAR 660-012-0060

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concerns amendments to “an acknowledged comprehensive plan, or a land use regulation (including a zoning map)...”

The TPR requires a determination as to whether or not the change to the comprehensive plan or zoning map would “significantly affect” an existing or planned transportation facility. OAR 660-012-0060(1) establishes that a plan amendment or zone change has a significant affect if it would:

- (a) Change the functional classification of an existing or planned transportation facility;*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based upon projected conditions measured at the end of the planning period identified in the adopted TSP [Transportation System Plan]. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Eugene’s adopted Transportation System Plan (TSP) is “TransPlan,” adopted by the City of Eugene on July 8, 2002 (Ordinance No. 20258) and acknowledged by the State of Oregon as being consistent with Statewide Planning Goal 12.

Eugene’s 1999 Arterial and Collector Street Plan (ACSP) and the City’s Street Classification Map (Appendix C of the ACSP) serve to refine TransPlan and establish street classifications for arterial and collector streets. The ACSP and Street Classification Map identify 5th Avenue and Oak Street as being Local Streets when abutting the subject property, with Oak Street classified as a Minor Arterial street from 6th Avenue southward.

The subject property is also within the boundaries of the Central Area Transportation Study (CATS), last updated in 2003 as a refinement of TransPlan. The CATS boundaries include the adopted Downtown Plan boundaries.

Eugene City Council recently enacted Ordinance No. 20514 revising certain city code standards regarding downtown and mixed use development, and amending TransPlan’s Transportation System Improvement (TSI) Roadway Policy #2. The code revisions included amendment to Eugene Code section 9.8670 establishing the

Exhibit B

“Downtown Traffic Impact Analysis Exempt Area.” This TIA exempt area is illustrated in EC Map 9.8670 and is coterminous with the Downtown Plan boundary, so includes the subject property.

As amended, TSI Roadway Policy #2: Motor Vehicle Level of Service reads as follows:

1. *Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:*
 - a. *Identifying capacity deficiencies on the roadway system.*
 - b. *Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).*
 - c. *Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.*
2. *Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:*
 - a. *Level of Service F within Eugene’s Downtown Traffic Impact Analysis Exempt Area;*
 - b. *Level of Service E within the portion of Eugene’s Central Area Transportation Study Area that is not within Eugene’s Downtown Traffic Impact Analysis Exempt Area; and*
 - c. *Level of Service D elsewhere.*
3. *Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.*

The amended policy above was also codified in EC 9.9650 under applicable TransPlan policies.

Council action under Ordinance No. 20514 also amended Metro Plan Transportation Policy F-15. This policy language is identical to that above in TransPlan TSI Roadway Policy #2, with only changes to numbering to correspond with formatting in the Metro Plan.

Exhibit 6 of this application includes transportation analysis performed by a competent licensed transportation engineer. The analysis demonstrates that the proposed Commercial designation and zoning would not generate more trips under a reasonable worst case scenario of potential Commercial uses than could be allowed under the existing Industrial zoning and/or High Density Residential land use designation (presuming staff’s assertion that the site indeed has an existing HDR Metro Plan diagram designation).

Based upon the above facts and those included in the attached transportation analysis, the following demonstrates the proposal’s consistency with requirements of the TPR and Statewide Planning Goal 12.

Transportation Planning Rule (TPR) Analysis

(a) Change the functional classification of an existing or planned transportation facility;

Response: Even under a reasonable worst case scenario, the proposed amendment will not result in uses that generate traffic volumes sufficient to warrant changes in the functional classification of roadways abutting or near the subject site. Because the Plan diagram amendment and zone change do not alter the functional classification of any existing or planned roadway, the proposal does not trigger the above criterion to determine that the amendment would have a “significant effect.”

(b) Change standards implementing a functional classification system; or

Response: The proposed Plan diagram amendment and zone change do not alter any standards implementing the City’s functional classification system. Therefore, the requested amendment does not meet the above criterion and does not “significantly affect” the transportation system under the TPR.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based upon projected conditions measured at the end of the planning period identified in the adopted TSP [Transportation System Plan]. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Response: In TransPlan, the City’s adopted Transportation System Plan, the City of Eugene reduced mobility standards for the downtown area to a Level of Service “E” - a level below the LOS of “D” allowed elsewhere in the community. In amending EC 9.9650, TransPlan TSI Roadway Policy #2, and Metro Plan Transportation

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Policy F-15, the City has gone further, establishing a mobility standard of LOS "F" for the area within the Downtown Plan boundary, including the subject property.

The Applicant's TPR Analysis establishes that intersections abutting and near the subject site operate currently at LOS "A" in the AM peak hour, and at LOS "B" in the PM peak hour. (Exhibit 6 - Table 6, pg. 10)

Tables 7 and 8 of the TPR Analysis demonstrates that using the reasonable worst case commercial uses allowed under the proposed Commercial land use designation and/or C-2 zoning would not degrade the level of service in either the AM or PM peak hours. (Ibid., pg. 11)

Tables 9 and 10 demonstrate that at the end of the TransPlan planning period (the year 2027), traffic generated under the reasonable worst case commercial uses allowed under Commercial land use designation and zoning would still not fall below acceptable levels of service permitted anywhere in the community, and would also not exceed the reduced LOS adopted by the City for the downtown area and subject property.

The TPR analysis in Exhibit 6 establishes that the proposed Plan amendment and zone change does not have a "significant affect" on the transportation system as defined in subsection (c)(A)-(C) above because the proposed Plan amendment and zone change would not result in land uses that would be inconsistent with the existing functional classifications of streets near the subject property, would not result in reduced performance standards below those allowed in the TSP (i.e., LOS "F"), and would not worsen performance of transportation facilities below minimum levels allowed in the TSP.

Therefore, the proposed Plan amendment and zone change does not trigger the "significant affect" standards of the TPR (OAR 660-012-0060(1)), and is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation: *To conserve energy.*

Findings:

The Metro Plan and its neighborhood refinement plan, the 2004 Eugene Downtown Plan, support compact urban development integrated with effective transportation options. The proposed Plan diagram amendment legitimizes the long-standing commercial use on the site, and allows for potential mixed use development consistent with existing and proposed Metro Plan and zoning overlay designations. Furthermore, approval of the Plan amendment will allow continued vibrant commercial development at the site on a walkable "Great Street" (i.e., 5th Avenue, as identified in the Downtown Plan) with bike lanes and transit service, and proximate to inter-urban rail. The amendment, therefore, will encourage energy conservation and is consistent with Statewide Planning Goal 13.

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Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

Findings:

The proposed amendment involves property that has been urbanized for well over a century, and has all needed urban infrastructure in place to serve existing and future development. Because the proposed Plan amendment does not involve or affect the transition from rural to urban land use, Statewide Planning Goal 14 is not applicable to the proposed Metro Plan diagram amendment.

Goal 15 - Willamette River Greenway: *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

Findings:

Because the subject property is not within the Willamette River Greenway boundaries, does not trigger Greenway permit requirements or affect the City's ongoing compliance with Statewide Planning Goal 15, this goal is not applicable to the proposed Metro Plan diagram amendment.

Goals 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes and Ocean Resources

Findings:

These goals are not applicable to this Metro Plan diagram amendment because the subject property does not affect and is unrelated to estuarine, coastal, ocean or beach and dune resources.

2. EC 9.7730(3)(b): *Adoption of the amendment must not make the Metro Plan internally inconsistent.*

Approval of the requested amendment to the Metro Plan diagram for the small subject site does not result in any inconsistency with policies contained in the Metro Plan, any refinement to the Metro Plan, or render the Metro Plan internally inconsistent.

3. B. Zone Change

The following are findings of fact and conclusions of law that demonstrate this zone change request from I-2/TD, Light-Medium Industrial/Transit Oriented Development zone to the C-2/TD, Community Commercial/Transit Oriented Development zone is consistent with the applicable approval criteria in Eugene Code (EC) Section 9.8865.

1. EC 9.8865(1): *The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.*

The Metro Plan designation for the subject site is unclear based upon casual visual examination of the Metro Plan diagram, given the metropolitan scale of the Metro Plan diagram and the small size of the single subject parcel. Therefore the exact boundary between the Commercial and High Density Residential is ambiguous.

It is, however, clear that the Metro Plan's Mixed Use Area overlay designation applies to the subject area and to surrounding areas north of the Eugene downtown central business district. The site's existing Industrial zoning needs to be changed for uses to comport to a designation supporting Mixed Use development.

The Mixed Use designation is indicative that the site was intended to have an underlying commercial designation to support true mixed use development, and is consistent with this request for commercial zoning with retained transit-oriented development zoning overlay. Eugene's zoning code for residential uses does not generally permit a mix of land uses, whereas commercial zoning can implement the Mixed Use designation by allowing residential uses in a mixed use format.

The Metro Plan's "Mixed Use Areas" overlay is intended for "areas where more than one use might be appropriate, usually as determined by refinement plans at a local level." (p. II-G-12) The subject property is located within the boundaries of the 2003 Eugene Downtown Plan, which was adopted as a refinement to the Metro Plan. But the Downtown Plan does not contain a land use diagram and therefore cannot be used to determine on a parcel-specific basis the intended plan designation of the subject site. As noted below in response to EC 9.8865(2), there is policy direction within the Downtown Plan demonstrating the proposed zone change's consistency with that refinement plan.

Given the ambiguity of the subject site's base Metro Plan designation on the Metro Plan diagram, the text of the Metro Plan - as well as supporting refinement plans - must be consulted to help determine the site's land use designation. The following demonstrates that this proposed zone change is consistent with and supported by the following Metro Plan policies and therefore supports the proposed Commercial zoning:

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A.22 Expand opportunities for a mix of uses in newly developing area and existing neighborhoods through local zoning and development regulations. (III-A-9)

Findings:

Using the City's locally established process to rezone the subject property would be consistent with the above Metro Plan Design and Mixed Use policy and the site's Mixed Use overlay designation on the Metro Plan diagram. Rezoning the site provides the ability to expand opportunities for a mix of uses within the existing downtown area by removing the existing non-conforming Industrial zoning, legitimizing existing and long-standing commercial use on the site.

B.6 Increase the amount of undeveloped land zoned for light industrial and commercial uses correlating the effective supply in terms of suitability and availability with the projections of demand. (III-B-4)

Findings:

Although zoned I-2 for light medium industrial uses, the subject site's decades-long commercial use would be brought into conformity with approval of the proposed rezoning, thereby increasing the amount of commercially zoned land and allowing the site's zoning and existing and future commercial uses to correspond consistent with the above Metro Plan Economic Element policy.

B.16 Utilize processes and local controls, which encourage retention of large parcels or consolidation of small parcels of industrially or commercially zoned land to facilitate their use or reuse in a comprehensive rather than piecemeal fashion. (III-B-5)

Findings:

The Applicant is not consolidating multiple parcels, but approval of the requested rezoning to Commercial through the established locally administered zone change process will facilitate retention of long-standing commercial uses, and ensure the viability of continued commercial uses on the subject site consistent with the above Metro Plan policy objective.

B.23 Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and which: (a) preserve the suitability of the affected areas for their primary uses; (b) assure compatibility; and (c) consider the potential for increased traffic congestion. (III-B-6)

Findings:

Approval of the zone change request to Commercial will most effectively allow the potential for future mixed use development consistent with the site's existing Mixed Use overlay designation, other zoning parameters affecting mixed uses, and the considerations referenced in the above Metro Plan policy.

F.15 Motor vehicle level of service policy:

- a. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:*
 - (1) Identifying capacity deficiencies on the roadway system.*
 - (2) Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).*
 - (3) Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.*
- b. Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:*
 - (1) Level of Service F within Eugene's Downtown Traffic Impact Analysis Exempt Area;*
 - (2) Level of Service E within the portion of Eugene's Central Area Transportation Study (CATS) area that is not within Eugene's Downtown Traffic Impact Analysis Exempt Area; and*
 - (3) Level of Service D elsewhere.*
- c. Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area. (III-F-8)*

Findings:

The subject property is within the boundaries of Eugene's Downtown Traffic Impact Analysis Exempt Area. Roadways within this area may perform at a Level of Service of "F." The Applicant's transportation analysis in Exhibit 6 demonstrates that roadway intersections adjacent to and near the subject property currently operate at LOS "A" or "B" in the morning and evening peak hour periods, respectively.

The Applicant's traffic engineer conducted a reasonable worst-case scenario of traffic generated by uses allowed in the proposed C-2 zone, versus those allowed in the existing I-2 zone and High Density Residential uses matching the site's existing Plan designation (as indicated by City staff). This analysis demonstrated that based upon the reasonable worst-case scenario, the proposed zone could result in an increased number of peak hour trips under the proposed C-2 zone, but that Levels of Service would remain well within the acceptable performance standards allowed by the above Metro Plan policy, and codified in TransPlan and Eugene Code 9.9650.

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Therefore, as demonstrated in the attached transportation analysis (Exhibit 6) and Metro Plan amendment findings above, both incorporated herein, the proposed zone change is consistent with the above Metro Plan transportation policies and with Statewide Planning Goal 12.

2. EC 9.8865(2): *The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.*

Downtown Plan

The 2003 Eugene Downtown Plan is the neighborhood area refinement to the Metro Plan applicable to the subject site. The Downtown Plan does not have a plan diagram and therefore cannot provide a parcel-specific land use designation for the subject site. However, the Downtown does have policies that support the proposed zone change.

Building a Downtown Policy 3: Facilitate downtown development by re-designating and rezoning underutilized properties, such as surface parking lots, to a commercial land use designation and a commercial zone such as C-2 or C-3." (p. 14)

Findings:

The subject site has an existing surface parking lot at the rear of the existing structure housing commercial uses, as called for in the Downtown Plan's Great Streets implementation strategy (see below). The proposed rezoning confers the potential for that parking area to be redeveloped and/or the site or structure to be more intensively developed with a greater density or mix of uses, consistent with this Metro Plan policy.

Adjacent property to the south is zoned C-2, as are nearly all other properties off Oak Street to the south toward the downtown central business district. Although not an underutilized property, changing zoning as proposed to C-2 would facilitate future development and use of the site for commercial use as called for in the above policy.

Furthermore, the proposed zone change is supported by the Building a Downtown Implementation Strategy H:

"Create a single zone to unify the downtown core, including the new Federal Courthouse and riverfront areas. Consider amendments to an existing commercial zone, such as C-2 or C-3, and overlay ones such as /TD, /ND, and the Broadway Overlay Zone." (p. 14)

The City of Eugene has not taken action to establish a single zoning classification for all downtown properties or to consolidate existing zoning overlays. However, approval of the requested zone change to C-2 would be consistent with this

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Implementation Strategy by aligning zoning for the subject property with others adjacent and to the south into the downtown core, as well as removing the inconsistency between its use since at least 1966 and its Industrial zoning.

The Downtown Plan also establishes the concept of "Great Streets," including 5th Avenue. The Plan notes that this street "has its own retail character and historical identity, different from other Great Streets, due to varied building types, setbacks and activities. Design guidelines for 5th Avenue need to respond to the quirky and fragmentary quality of the avenue, the historic context, and the development potential that exists along its length. These guidelines need to stress filling in the gaps along the street and encouraging buildings with minimal setbacks and parking in the rear." (pp. 16-17)

Because the site already has a configuration with long-standing commercial retail character, zero setbacks, and parking at the rear of the structure, the proposed zone change furthers continued commercial use on the site consistent with the Downtown Plan and its Great Streets concept.

The Downtown Plan's Special Places Implementation Strategy B is also supportive of the proposed zone change:

"Amend the Eugene-Springfield Metropolitan Area General Plan to redesignate the train station from industrial to commercial land use, and rezone to a commercial zone such as C-2 or C-3." (p. 22)

This application proposed to amend the Metro Plan diagram and rezone the subject property. Because other properties around the train station are also zoned I-2, and precedent has been set for redesignating and rezoning similar property (i.e., the former State motor pool site), changing zoning for the subject site to C-2 is consistent with this Downtown Plan implementation strategy.

Eugene Commercial Lands Study

As an adopted refinement to the Metro Plan, the October 1992 Eugene Commercial Lands Study helps satisfy the community's compliance with Statewide Planning Goal 9 (Economy). As stated in the study document: "The main goal of the study is to decide if there is a need to make any changes to the supply of commercial land or to existing City policies or regulations based upon local community objectives." (p. I-1)

Among these objectives established in the study is a vision in which:

"Downtown continues to serve as a major employment center for office-based commercial, government, and specialized retail activities. It is a vital area that includes a mix of activities such as office, specialty stores, a new public library and housing."

"Commercial growth strengthens the local economy and occurs in a way that fosters compact growth and preservation of environmental resources."

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"Existing commercial buildings are adaptable to new uses and are reused, thus helping to lower commercial vacancy rates" (pp. I-1-2)

Policies and implementation strategies within the Commercial Lands Study that are relevant in supporting the above objectives and EC 9.8865(2) are below:

"Policy 2.0: Provide greater certainty regarding the development of commercial land by resolving major conflicts between the Metro Plan designations and local zoning of land planned or zoned for commercial use."

"Implementation Strategy 2.1: Initiate Metro Plan amendments or zone changes to correct significant plan/zone conflicts. ..." (p. III-3)

Approving the Applicant-initiated zone change concurrently with a redesignation on the Metro Plan diagram to Commercial will correct the existing plan/zone conflict. Consistent with the above refinement plan policy and implementation strategy, approval of the requested zone change would remove the non-conforming status between the site's existing zoning and long-standing commercial use, and provide greater certainty for future commercial use on the subject property.

Although the subject site was not included among the mapped sites with "significant plan/zone conflicts" (see Commercial Land Study Appendix C-4), this is because the study analyzed only "vacant commercial sites above 5 acres in size where there is a conflict between what is shown on the Metro Plan Diagram and existing zoning." (Ibid, Appendix C-3) Nonetheless, approval of the proposed zone change would provide greater certainty for continued existing or future commercial use, development and/or redevelopment of the subject site, consistent with Policy 2.0 above.

"Policy 6.0: Promote redevelopment of existing commercial areas and compact, dense growth by encouraging businesses to revitalize and reuse existing commercial sites."

"Implementation Strategy 6.2: Identify and remove disincentives to the relocation or expansion of businesses in the downtown." (p. III-7)

Existing Industrial zoning is not consistent with the subject site's existing and decades-long commercial use. Rezoning this property would remove any pre-existing non-conforming status to commercial uses on the site, and promote the potential for future site use, development and/or redevelopment for commercial or mixed use consistent with the above policy and the site's Metro Plan Mixed Use overlay designation. Approving the proposed zone change would also eliminate any disincentive for continued existing or future commercial use of the site by removing the site's non-conformity between use and zoning, consistent with the above implementation strategy intended to further Policy 6.0.

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“Policy 12.0: Concentrate development in existing commercial areas to minimize traffic impacts on the rest of the city.”

“Implementation Strategy 12.1: Commercially designate and zone properties with sufficient size and lot depth to permit internal traffic circulation.” (p. III-10)

As illustrated photographically on Exhibit 2, the subject site is located within a robust existing commercial area at the north end of the downtown area. The site has parking allowing for internal traffic circulation at the rear of the building off 5th Avenue. Rezoning the subject site to Commercial (C-2) would acknowledge and legitimize existing and long-standing commercial use of the property consistent with the above policy and implementation strategy.

“Policy 17.0: Recognize that additional commercial development will occur primarily through redevelopment of existing commercial sites.” (Refer also to related policies and implementation strategies on pages III-7 and III-8.)

“Implementation Strategy 17.3: Within the area from the east side of Agripac to Washington Street, change the plan designation and zoning of land currently zoned for industrial use to encourage a mixture of residential, commercial, and compatible industrial use.” (Refer to map in following section) (p. III-15)

This Central/University Subarea policy and implementation strategies support the proposal by using the City’s existing program of applicant-initiated zone changes to bolster continued commercial use and potential re-use, development, and/or redevelopment in a commercial and/or mixed use format consistent with Policy 17.0, Policy 6.0 and relevant implementation strategies cited above.

The subarea map on page III-18 of the Commercial Land Study identifies areas zoned industrial on “A band along both sides of the railroad between Lincoln & Oak.” Approving the requested zone change from Industrial (I-2) to Commercial (C-2) is wholly consistent with the action called for in Implementation Strategy 17.3, thus furthering Policies 6.0 and 17.0, and demonstrating the proposal’s consistency with the Commercial Lands Study and Downtown Plan as refinements to the Metro Plan.

TransPlan

Eugene’s adopted Transportation System Plan (TSP) is “TransPlan,” adopted by the City of Eugene on July 8, 2002 (Ordinance No. 20258) and acknowledged by the State of Oregon as being a refinement to the Metro Plan and consistent with Statewide Planning Goal 12.

Eugene’s 1999 Arterial and Collector Street Plan (ACSP) and the City’s Street Classification Map (Appendix C of the ACSP) serve to refine TransPlan and establish

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street classifications for arterial and collector streets. The ACSP and Street Classification Map identify 5th Avenue and Oak Street as being Local Streets when abutting the subject property, with Oak Street classified as a Minor Arterial street from 6th Avenue southward.

The subject property is also within the boundaries of the Central Area Transportation Study (CATS), last updated in 2003 as a refinement of TransPlan. The CATS boundaries include the adopted Downtown Plan boundaries.

Eugene City Council recently enacted Ordinance No. 20514 revising certain city code standards regarding downtown and mixed use development, and amending TransPlan's Transportation System Improvement (TSI) Roadway Policy #2. The code revisions included amendment to Eugene Code section 9.8670 establishing the "Downtown Traffic Impact Analysis Exempt Area." This TIA exempt area is illustrated in EC Map 9.8670 and is coterminous with the Downtown Plan boundary, so includes the subject property.

As amended, TSI Roadway Policy #2: Motor Vehicle Level of Service reads as follows:

4. *Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:*
 - d. *Identifying capacity deficiencies on the roadway system.*
 - e. *Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).*
 - f. *Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.*
5. *Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:*
 - d. *Level of Service F within Eugene's Downtown Traffic Impact Analysis Exempt Area;*
 - e. *Level of Service E within the portion of Eugene's Central Area Transportation Study Area that is not within Eugene's Downtown Traffic Impact Analysis Exempt Area; and*
 - f. *Level of Service D elsewhere.*
6. *Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.*

The amended policy above was also codified in EC 9.9650 among other applicable TransPlan policies.

Council action under Ordinance No. 20514 also amended Metro Plan Transportation Policy F-15. This policy language is identical to that above in TransPlan TSI Roadway Policy #2, with only changes to numbering to correspond with formatting in the Metro Plan.

Exhibit 6 of this application includes transportation analysis performed by a competent licensed transportation engineer. The analysis demonstrates that the

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proposed Commercial designation and zoning would not generate more trips under a reasonable worst case scenario of potential Commercial uses than could be allowed under the existing Industrial zoning and/or High Density Residential land use designation (presuming staff's assertion that the site indeed has an existing HDR Metro Plan diagram designation).

Based upon the above facts and those included in the attached transportation analysis, the following demonstrates the proposal's consistency with requirements of TransPlan, the TPR and Statewide Planning Goal 12.

3. EC 9.8865(3): *The use and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.*

The subject property already has access to all key urban services needed for existing and future commercial and/or mixed uses and densities, consistent with the above criterion.